

## Message Text

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ACTION EUR-12

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TAGS: PINT, IT  
SUBJECT: CONSTITUTIONAL COURT STRIKES DOWN FOUR OF EIGHT  
REFERENDA

REF: ROME 0080

BEGIN SUMMARY. THE CONSTITUTIONAL COURT DECIDED ON JANUARY 18  
THAT ONLY FOUR OF THE EIGHT REFERENDA PUT FORWARD BY THE RADICAL  
PARTY ARE CONSTITUTIONALLY VALID TO BE VOTED UPON LATER THIS  
YEAR. THE RADICAL PARTY HAS CHARACTERIZED THE DECISION AS A GRAVE  
BLOW TO THE CONSTITUTIONAL RIGHT OF HOLDING REFERENDA. HOWEVER,  
THE ACTION WILL PLEASE THE OTHER PARTIES WHICH HAD BEEN INCREASINGLY  
CONCERNED ABOUT THE POTENTIALLY BROAD EFFECTS OF THE VOTE ON  
THE REFERENDA. END SUMMARY.

1. IN SURPRISING DECISION ON JANUARY 18, THE CONSTITUTIONAL COURT  
DECLARED THAT ONLY FOUR OF THE EIGHT REFERENDA PROPOSED BY THE  
RADICAL PARTY ARE CONSISTENT WITH THE CONSTITUTION AND CAN GO  
TO A PUBLIC VOTE IN THE PERIOD APRIL 15 TO JUNE 15.

THE FOUR JUDGED TO BE VALID ARE THOSE CONCERNING THE ABROGATION  
OF THE REALE LAW ON PUBLIC ORDER, OF THE LAW ON COMMISSIONS OF  
INQUIRY FOR HIGH GOVERNMENT OFFICIALS, OF THE LAW REGARDING PUBLIC  
FINANCING OF POLITICAL PARTIES, AND OF LEGISLATION ON INSANE

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ASYLUMS. THE FOUR THAT HAVE BEEN STRUCK DOWN ARE THOSE CONCERNING  
THE CONCORDAT OF 1929, THE ROCCO LEGAL CODE, AND THOSE  
CONCERNING THE MILITARY CODE OF JUSTICE AND MILITARY TRIBUNALS.  
THE DECISION ON THE CONCORDAT HAD BEEN GENERALLY ANTICIPATED  
SINCE IT WAS A MATTER OF INTERNATIONAL LAW AND NOT THEREFORE  
SUBJECT TO A REFERENDUM.

2. THE REFERENDA HAVE BEEN OF INCREASING CONCERN TO THE ESTABLISHED POLITICAL PARTIES WHICH FEARED NOT ONLY THE EFFECTS OF THE REFERENDA CAMPAIGN ON AN ALREADY DELICATE AND OVERHEATED SOCIAL AND POLITICAL ATMOSPHERE, BUT ALSO THE IMPACT ON THE SOCIAL AND LEGAL SYSTEM IF SUCH POTENTIALLY FAR-REACHING ISSUES HAD BEEN APPROVED BY THE PUBLIC. THE SIX PARTIES HAVE BEEN DOING THEIR BEST TO REACH A JOINT POSITION ON THE REFERENDA AND TO TRY TO REACH AGREEMENT ON LEGISLATION--WHICH THEY GENERALLY RECOGNIZE IS WARRANTED ON THESE ISSUES--BY APRIL 15 AND THEREBY AVOID THE HOLDING OF THE REFERENDA. THEY HAVE THEREFORE BEEN RELIEVED BY THE DECISION ALTHOUGH THEY WILL REMAIN ANXIOUS ABOUT THE FOUR REMAINING REFERENDA, NOT LEAST OF ALL THAT WHICH CONCERNS PUBLIC FINANCING OF POLITICAL PARTIES.

3. IN A STIRRING MALEDICTION, THE HEAD OF THE RADICAL PARTY, MARCO PANNELLA, DENOUNCED THE DECISION. "WITH ITS DECISION THE CONSTITUTIONAL COURT HAS DEALT A FATAL BLOW TO THE INSTITUTION OF THE POPULAR REFERENDUM, WHICH HAD ALREADY SUFFERED FROM THIRTY YEARS OF NON-USE BY THE TRADITIONAL POLITICAL FORCES. THE WORST FASCIST LAWS-- IMPOSED ON THIS COUNTRY BY HIS MAJESTY VICTOR EMANUEL III, KING OF ITALY, EMPEROR OF ETHIOPIA AND KING OF ALBANIA AND BY THE FASCIST HEAD OF GOVERNMENT BENITO MUSSOLINI--THE PENAL CODE OF 1931 AND THE CLERICAL-FASCIST CONCORDAT HAVE NOW BEEN FOUND SACRED AND INVOLABLE BY THIS GOVERNMENT AND ITS CUSTODIANS. THIS IS PERHAPS THE BLACKEST PAGE IN THE THIRTY-YEAR HISTORY OF OUR COUNTRY."  
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4. THE COURT'S DECISION WILL NOT AFFECT THE REFERENDUM ON ABORTION WHICH, UNLESS LEGISLATION IS PASSED WITHIN THREE MONTHS, WILL ALSO GO TO THE PUBLIC FOR A VOTE DURING THE SPRING PERIOD.  
GARDNER

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